

REMARKS

This Supplemental Amendment is in response to the Office Action mailed June 25, 2004 and to the Examiner interview conducted on November 10, 2004. Claims 27 – 38 were pending and the Office Action rejected all claims. Specifically, Claims 27, 28, 32-34 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yoon et al. (U.S. Patent No. 6,173,407). Claims 29-31 and 35-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoon, in view of Berstis (U.S. Patent No. 6,718,015). In response, the Applicants cancelled claims 27-38 in the Response mailed October 12, 2004 and added newly drafted claims 39-50. In this Supplemental Amendment, several of these claims have been amended to specifically include language relating to the use of the present invention with data loggers which are attached to shipping containers (i.e. containers or packages). No new matter has been added by these amendments, as the subject matter is fully supported by the specification as filed.

Yoon et al. discloses a method of authenticating and charging a client using a web-based information service. Berstis discloses a method for a user to browse the Internet via a telephone device. In contrast, the present invention is a method of billing a customer for utilizing a data logger that monitors and stores environmental conditions. Such a method is neither taught nor suggested by the cited prior art, since neither reference is related to the use of environmental data loggers. In addition, neither reference discloses charging a customer via a network for access to the data stored on the environmental data logger. Moreover, neither reference discloses transferring the environmental data from the data logger to a server, and billing a customer for allowing third-parties to access the data.

Furthermore, Claims 43-50 require billing a customer for reprogramming the environmental data logger via a network. Such a method is not taught or suggested by the prior art of record, especially since neither reference is directed to the use of an environmental data logger. Nor is the step of recalibrating the data logger via the network taught or suggested by the prior art of record.

Finally, the Office Action cited Berstis as teaching "information regarding any one or more members of a group of criteria consisting of temperature, humidity, motion, pressure, voltage, flow and sound (col. 1, lines 12-25). With all due respect, the cited reference to Berstis does not disclose anything remotely related to these environmental conditions – again, since Berstis is not directed to an environmental data logger device and/or method.

The Commissioner is hereby authorized to charge any fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR §1.78 to Deposit Account No. 50-2603, referencing Attorney Docket No. 353756.00103. A duplicate sheet is attached.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, US Patent & Trademark Office, P.O. Box 1450 Alexandria, VA 22313 on November 18, 2004.

Dated: November 18, 2004


Alice Kisch